

FEB 12 2007

**ARGUMENTS****A. Summary of the Office Action**

Claims 1-40 were rejected as being anticipated by U.S. Patent No. 6,338,094 ("Scott").

No claims were objected to. No claims were allowed.

**B. Scott Does Not Teach the Claimed Invention**

The Applicant would like to thank the examiner for a thorough examination of pending claims 1-40. The Examiner helpfully "encourage[d] the applicant and their representatives to amend the claims to reflect" details that "further illustrate the claimed invention's novelty." Office Action, p. 14. The Applicant believes that, in light of amendments made in this response, the claims further illustrate the invention's novelty.

*1. The Disclosure of Scott*

Scott describes a system designed to display video files "virtually immediately upon clicking a link for accessing a web page." Col. 3 ("Summary"). To display files "virtually immediately" after a link is clicked, Scott describes that the video file is "downloaded to the user interface device prior to the user clicking on the link." *Id.* (emphasis added). When the user actually does click on the link, "the previously downloaded information associated with the link is played as a video file." *Id.* That is,

Scott describes a system in which a video file is downloaded *before* any selection by the user, see Fig. 3, and may even be downloaded without the user's knowledge. See col 3. ("The information may be downloaded during a period when the user is not interacting with the Internet, such as during the night, and may be stored on an information storage unit of the device.") The Examiner has indicated that the "download" described in Scott is "equivalent to record." Office Action (O.A.) at 2.

As amended, each of the claims pending in the application distinguishes over Scott for one or more of the following reasons. First, Scott describes the "download" as taking place *before* the user clicks on a link, so the download cannot be performed in response to the user's selection of the link. Second, the video in Scott is not broadcast at a predetermined start time. Instead, it is displayed "virtually immediately after the click." Scott, col. 4. Third, the user interface device (22) in Scott that downloads the video file is the same as the device (22) on which the user enters his selection. Scott does not receive a user selection on one device (e.g., a client system) and subsequently program a different device (e.g., a media-based device).

## 2. Claim 1

Claim 1 as amended recites that the "broadcast program is scheduled to be broadcast at a predetermined start time." Since Scott neither teaches a broadcast program (as opposed to an individually-downloaded program), nor a start time for such a program, this feature at least distinguishes from the disclosure of Scott.

Moreover, whereas Scott teaches downloading before any user selection is made, Claim 1 recites that the recording is made “in response to”—and necessarily *after*—the selection is made. Accordingly, claim 1 distinguishes over Scott and is believed to be in a condition for allowance.

### 3. Claim 19

Like claim 1, and unlike Scott, claim 19 recites the recording of a broadcast program with a predetermined start time. Claim 19 further recites that the “source web service” is accessed “in response to the user selection received.” As described above, though, Scott downloads video files before the user makes any selection, preferably without the user’s knowledge. Accordingly, claim 19 distinguishes over Scott and is believed to be in a condition for allowance.

### 4. Claim 24

Claim 24 recites that the “media-based device,” which records the broadcast program, is different from the “client system,” which sends the user’s selection. Because the system of Scott is performed on a single device, Scott does not disclose the remote-programming features of claim 24. Moreover, because claim 24 recites the step of “invoking the media-based device to record the broadcast program selected,” the recording takes place after the selection, an additional feature not disclosed in Scott. Accordingly, claim 24 distinguishes over Scott and is believed to be in a condition for allowance.

#### 5. Claim 29

Like claim 24, claim 29 recites that the "media-based device," which records the broadcast program, is different from the "client system." Because Scott does not teach the remote programming features of claim 29, claim 29 distinguishes over Scott and is believed to be in a condition for allowance.

#### 6. Claim 33

Unlike Scott, claim 33 recites the recording of a broadcast program with a predetermined start time. Claim 33 further recites that the recording takes place "after the selection of the online advertisement." As described above, though, Scott downloads video files before the user makes any selection. Accordingly, claim 33 distinguishes over Scott and is believed to be in a condition for allowance.

#### 7. Claim 35

Claim 35 again recites the recording of a broadcast program with a predetermined start time, a feature not disclosed in Scott. Moreover, claim 35 recites that the recording takes place "after the selection of the advertisement." Scott, which downloads video files before the user makes any selection, does not disclose this feature. Accordingly, claim 35 distinguishes over Scott and is believed to be in a condition for allowance.

### 8. Claim 37

Unlike Scott, claim 37 recites the recording of a broadcast program with a predetermined start time. Accordingly, claim 37 distinguishes over Scott and is believed to be in a condition for allowance.

### 9. Dependent Claims

Because the remaining claims in the application depend from independent claims 1, 19, 24, 29, 33, 35, and 37 discussed above, they incorporate the limitations of those claims and further distinguish the invention from the prior art. Accordingly, those claims are likewise believed to be in a condition for allowance.

## C. Support for Claim Amendments

An example of a "predetermined start time" as recited in some of the claims as amended is provided in the specification (published as 2002/0087661) at least in paragraphs 160 and 196. (Paragraph numbers refer to those in the application as published.) Disclosure of exemplary embodiments in which "the media-based device is different from the client system," as recited in some claims as amended, is provided at, among other places, Fig. 2 and Fig. 5 and accompanying text, in which a client 18 (one example of a claimed "client system") is different from the media-based device 36 (one example of a claimed "media-based device").

RECEIVED  
CENTRAL FAX CENTER

008

FEB 12 2007

**D. Conclusion**

The applicant respectfully submits that the claims are in a condition for allowance and earnestly solicits an early notice to that effect. If any issues with the application may be resolved telephonically, the Examiner is invited to call the Applicant's representative at (312)913-2115.

Date: February 12, 2007



---

Jeffrey A. Steck  
Reg. No. 40,184